

REMARKS

Applicant's Attorney would like to thank Examiner Kasenge for the courtesy of the interview held on October 23, 2009. In that interview, the differences between the patent of Evans was discussed in relationship to Figure 1 of Applicant's specification as well as the operation of Applicant's invention and then the claims were reviewed to identify the claimed differences between Applicant's invention and the patent of Evans. Specifically, it was pointed out that Applicant's invention relates to the injection of fluid into a wellbore and at times it is necessary to inject the fluid at a rate below the output rate of the fluid pump. Therefore, Applicant's invention allows for a flow control device to independently release a portion of the pressurized fluid from the conduit carrying the fluid to a wellbore without the need for a different pump. The reference of Evans on the other hand is concerned with blowout prevention by causing the pump to shut down and the BOP valve to close off the wellbore. See Evans at col. 5, lines 20-25. As noted in the Interview Summary, agreement was reached that the Evans reference does not disclose "a portion of said stream of pressurized fluid is independently released from said conduit by said flow control device". Examiner Kasenge further noted that he would update his search upon submission of a response to the office action by the Applicant.

Claims 47, 54, 63, 65, 66, 67, 69 and 71 have been amended to overcome the objections noted in paragraphs 2 through 5 of the outstanding office action. Claims 47 through 78 are currently pending.

Applicants believe that the foregoing amendments place this application in condition for allowance. Accordingly, it is respectfully requested that the subject patent application be passed

to issuance without delay.

It is believed that no additional fees are due. However, should that determination be incorrect, the Commissioner is hereby authorized to charge any deficiencies to Deposit Account No. 50-0562 and notify the undersigned in due course.

Respectfully submitted,

Date: 10/23/09



David H. Voorhees
Attorney for Applicants
Reg. No. 33,325

MEREK, BLACKMON & VOORHEES, LLC
673 South Washington Street
Alexandria, Virginia 22314
(703) 684-5633